

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff, )  
 )  
v. ) Docket No.: 05-01076-JGD  
 )  
FRANCOISE NGELE BUNDU, )  
Defendant. )  
 )

**DEFENDANT'S EMERGENCY (ASSENTED TO) MOTION  
TO MODIFY THE CONDITIONS OF PRETRIAL RELEASE**

Now comes the Defendant, Francoise Bundu, and hereby requests that this Court modify the conditions of her pretrial release so as to permit her to visit her twin minor children pursuant to the order of the Middlesex Probate Court. In support of this motion the Defendant respectfully submits the following.

- 1) The Defendant stands charged via a criminal complaint of one count of international parental kidnapping, in violation of 18 U.S.C. §1204.
- 2) After conducting a detention and probable cause hearing on April 25, 26, and 27, 2005, this Court issued an Order Setting Conditions of Release on May 3, 2005. Among the conditions of release, *inter alia*, the Defendant is under home incarceration including electronic monitoring, and is currently only permitted to leave the residence for purposes of "medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office..."
- 3) This Court also directed the Defendant to report to the Middlesex Probate Court within seven days of her release from custody. The Defendant did so report initially, and has returned for several court appearances thereafter, all pre-approved by the pretrial services office.

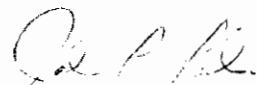
- 4) On May 26, 2005, the Middlesex Probate Court issued an Order, effective immediately, permitting Francoise Bundu two hours per week of supervised visitation with her two minor children at The Cambridge Meeting Place, in Cambridge, MA<sup>1</sup>. A copy of that Order is attached hereto as Exhibit A. The children were returned to the United States and are currently residing with their father, Benoit Bundu, in Cambridge, MA. According to the Order, the times of said visitation are to be arranged by counsel.
- 5) The Defendant therefore requests that this Court modify the conditions of her release to permit her to visit her children as ordered by the Middlesex Probate Court.
- 6) The Government, through Assistant U.S. Attorney Donald Cabell, assents to the requested modification.
- 7) The Defendant's supervising pretrial services officer, Chris Wylie, also is in agreement with the requested modification.
- 8) Also, in connection with the efforts of probate counsel for Ms. Bundu to secure an order from the Middlesex Probate Court for temporary custody of the children, it has been discovered that the current third party custodian, Ms. Prudence Kashala, cannot accommodate Ms. Bundu's twin children at her home. Therefore, Ms. Bundu has been instructed by her probate counsel to seek a residence closer to the children's father's residence in Cambridge. The Defendant's supervising pretrial services officer, Chris Wylie, is in agreement with the Defendant's further request to modify the conditions of her release so as to enable her to seek such alternative residence. Any attempt to actually relocate Ms. Bundu's residence would be the subject of a subsequent motion by her counsel in this Court.

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<sup>1</sup> Probate counsel for Ms. Bundu has informed the undersigned that there is currently a two-month waiting period at The Cambridge Meeting Place, and so she is seeking an alternative location for the supervised visitation, which could be in place to permit a visitation this Friday, June 3, 2005.

WHEREFORE, the Defendant respectfully requests that this Honorable Court modify the conditions of her pretrial release in order to enable Ms. Bundu to visit her children as ordered by the Middlesex Probate Court, as well as to permit Ms. Bundu to seek an alternative residence that could accommodate her having legal temporary custody of her two minor children, all as pre-approved by Chris Wylie or his designee of the pretrial services office.

Respectfully submitted,  
Francoise Bundu,  
Defendant,  
By her attorney,



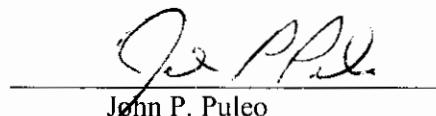
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John P. Puleo, BBO #555849  
HASSAN & REARDON, P.C.  
800 Boylston Street  
The Prudential Center  
Boston, MA 02199  
(617) 859-3600

**CERTIFICATE OF SERVICE**

I, John P. Puleo, hereby certify that on the 31 day of MAY, 2005, I served a true copy of the above documents upon the Plaintiff, via facsimile and first class mail, postage pre-paid, to:

Donald L. Cabell  
United States Attorney's Office  
1 Courthouse Way  
Boston, MA 02210



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John P. Puleo

**EXHIBIT A**

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Middlesex Division

The Trial Court  
Probate and Family Court Department

Docket No. 00D1927

## Temporary Order

Benoit Bundu

Plaintiff

Francoise Bundu

Defendant

Pending a hearing on the merits or until further order of the court, it is ordered that:

- 1)  plaintiff/defendant be and hereby is prohibited from imposing any restraint on the personal liberty of plaintiff/defendant
- 2)  plaintiff/defendant have the care and custody of \_\_\_\_\_  
the minor child \_\_\_\_\_ of the parties
- 3)  plaintiff/defendant be given the following visitation right(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 4)  plaintiff/defendant pay to his/her spouse the sum of \_\_\_\_\_ forthwith  
and the further sum of \_\_\_\_\_ on each and every \_\_\_\_\_  
hereafter, beginning on \_\_\_\_\_, for his/her support and that of the minor child \_\_\_\_\_
- 5)  said payments to be made to the Probation Department and forwarded to the Department of Public  
Welfare/the plaintiff/defendant/the applicable city or town of \_\_\_\_\_
- 6)  the parties shall comply with a stipulation or agreement of the parties dated \_\_\_\_\_  
which is filed with the Court and expressly made a part of this order
- 7)  plaintiff/defendant pay reasonable medical, dental and hospital expenses of his/her spouse and minor  
child \_\_\_\_\_ and maintain existing medical and hospital insurance
- 8)  plaintiff/defendant vacate the marital home at \_\_\_\_\_  
(Street and No.) (City or Town) (Zip)  
for a period of \_\_\_\_\_ day(s) commencing on \_\_\_\_\_

9)  The parties shall see the children for two hours each week  
To be supervised at the Exchange Meeting Place. Counsel  
shall release the time. All other matters are  
settled to July 15, 2005  
5-26-05

JULY 26, 2005  
2005

Date

Signature of Probate and Family Court  
William F. McSweeney, III

Post-It® Fax Note	7671	Date	# of pages
To	John Puleo	From	
Co./Dept.		Co.	
Phone #	(617-859-3601)	Phone #	
Fax #		Fax #	